

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

STATIC CONTROL COMPONENTS, INC.,
PLAINTIFF/COUNTERCLAIM
DEFENDANT

v.

LEXMARK INTERNATIONAL, INC.,
DEFENDANT/COUNTERCLAIM
PLAINTIFF

v.

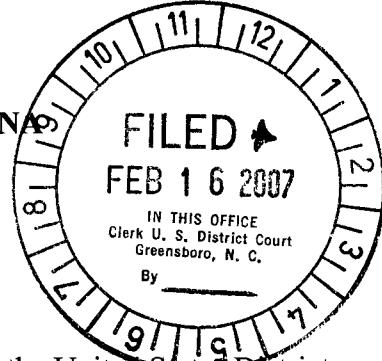
WAZANA BROTHERS INTERNATIONAL,
INC. d/b/a MICRO SOLUTIONS ENTERPRISES
COUNTERCLAIM DEFENDANT

v.

PENDL COMPANIES, INC.
COUNTERCLAIM DEFENDANT

v.

NER DATA PRODUCTS, INC.
COUNTERCLAIM DEFENDANT



Pending in the United States District Court Eastern District of Kentucky, before the Honorable Gregory F. Van Tatenhove

1:07MC9

Civil Action 04-CV-84-GFVT

MISC. ACTION NO. 1:07MC9

MOTION TO QUASH LEXMARK'S SUBPOENA ON OPPOSING COUNSEL

As set forth in the attached Memorandum in support of Motion to Quash Lexmark International, Inc.'s Subpoena on Opposing Counsel, Static Control Components, Inc. ("Static Control") moves this Court pursuant to Fed. R. Civ. P. 45(c) to QUASH Lexmark's February 2, 2007 deposition subpoena served on Andrew B. Cohen, Esq. Furthermore, pursuant to Rule 45(c), Static Control respectfully requests an Order granting an award of its costs in preparing and arguing the motion to quash Lexmark's improper subpoena.

A proposed draft order is attached to this Motion.

Dated: February 16, 2007

Respectfully Submitted,

Randell E. Phillips
Moore & Van Allen PLLC
100 North Tryon Street, Suite 4700
Charlotte, NC 28202-4003
Telephone: 704-331-1000

Jeffrey M. Young
Moore & Van Allen PLLC
430 Davis Drive, Suite 500
P.O. Box 13706
Research Triangle Park, NC 27709
Telephone (919) 286-8000

and

Joseph C. Smith, Jr.
Bartlit Beck Herman Palenchar & Scott LLP
1899 Wynkoop Street, 8th Floor
Denver, CO 80202
Telephone: (303) 592-3100

Attorneys for Static Control Components, Inc.

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were served this 16th day of February 2007, by electronic mail, to the following (*) individuals:

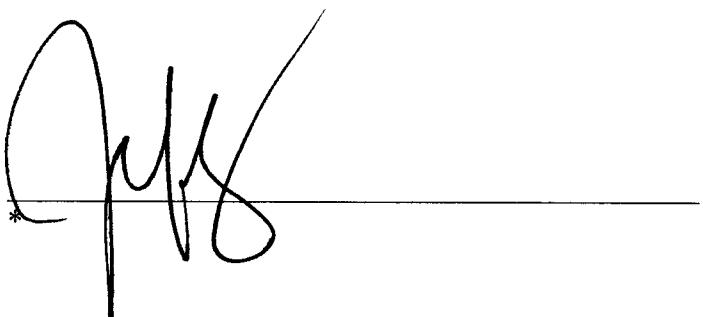
BY ELECTRONIC MAIL:

Charles F. Shivel, Jr.
Steven B. Loy*
Hanly A. Ingram
STOLL, KEENON & PARK, LLP
300 West Vine St., Suite 2100
Lexington, KY 40507
Fax: (859) 253-1093
Counsel for Lexmark Int'l, Inc.

Joseph M. Potenza*
BANNER & WITCOFF, LTD.
1001 G Street, NW, 11th Floor
Washington, DC 20001
Fax: (202) 508-9299
Counsel for Lexmark Int'l, Inc.

Christopher J. Renk
Binal J. Patel*
Jason S. Shull
Timothy C. Meece
BANNER & WITCOFF, LTD.
10 S. Wacker Dr., Suite 3000
Chicago, IL 60606
Fax: (312) 715-1234
Counsel for Lexmark Int'l, Inc.

W. Andrew Copenhaver*
Donald R. Esposito, Jr.
Hada V. Haulsee, Mark N. Poovey
WOMBLE, CARLYLE, SANDRIDGE & RICE, PLLC
One West Fourth Street
Winston-Salem, NC 27101
Counsel for Lexmark Int'l, Inc.

A handwritten signature in black ink, appearing to read "S. B. Loy", is placed over a horizontal line. The signature is fluid and cursive, with a large loop on the left and a more vertical, stylized "L" on the right.